

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDRES GOMEZ,  
Plaintiff,

v.

KIEU HOANG WINERY, LLC,  
Defendant.

Case No. [21-cv-09471-SI](#)

**ORDER GRANTING MOTION FOR  
ADMINISTRATIVE RELIEF**

Re: Dkt. No. 13

On December 8, 2021 plaintiff filed the above captioned action. Dkt. No. 1 (Complaint). On March 28, 2022, plaintiff filed a motion for administrative relief requesting additional time to complete service on defendant. Dkt. No. 13. On April 5, 2022, the Court issued an Order to Show Cause asking plaintiff to address two issues: (1) the fact that plaintiff failed to comply with General Order 56 requiring a complaint be served within 60 days – not the 90 days stated in plaintiff’s administrative motion; and (2) whether the Court lacked subject matter jurisdiction. Dkt. No. 15 (OSC).

On April 8, 2022, plaintiff filed his response to the Court’s Order to Show Cause explaining the failure to timely file was an attorney oversight and stating the complaint had in fact been served on April 4, 2022. Dkt. No. 17-1 at 2 (Declaration of Christopher Seabock); Dkt. No. 16 at 1 (Proof of Service of Summons). Plaintiff’s response also addressed subject matter jurisdiction stating in part:

Nonetheless, the Court’s indication that Mr. Gomez attested that “he did not have any present intention to visit the Napa Valley” is a misstatement. Rather, Mr. Gomez attested that he did not have the present intention to visit the Sotheby’s office in Napa Valley. To the contrary, Mr. Gomez attests that he was in California, planning a wine tasting trip in northern California to visit family, and intended to visit the physical location of the winery, here. However, Mr. Gomez was and remains deterred from doing so by the inability to access the associated website.”

1 Dkt. No. 17 at 9 (Response to OSC) (internal citations omitted).

2 Based on these representations, the case may proceed at this time. Plaintiff's motion for  
3 administrative relief is GRANTED.

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6 **IT IS SO ORDERED.**

7 Dated: May 3, 2022



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SUSAN ILLSTON  
United States District Judge